



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 90,663-QQ)

PATENT

In the Application of:)
Yatvin et al.) Before the Examiner:
Serial No.: 10/050,271) David M. Naff
Filed: January 15, 2002) Group Art Unit: 1651
For: Microparticle-drug Conjugates)
For Biological Targeting)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Petitioner, **OREGON HEALTH and SCIENCES UNIVERSITY**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,339,060 B1, 6,063,759, 5,840,674 and 5,543,391. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent Nos. 6,339,060 B1, 6,063,759, 5,840,674 and 5,543,391 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent Nos. 6,339,060 B1, 6,063,759, 5,840,674 and 5,543,391, as presently shortened by any terminal disclaimer, in the event that U.S. Patent Nos. 6,339,060 B1, 6,063,759, 5,840,674 and 5,543,391 expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, Illinois 60606
(312) 913-0001

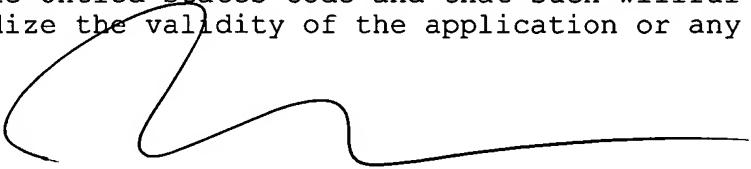
prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Copies of the assignment documents in the chain of title from the original owner to the assignee were recorded in the Patent and Trademark Office at reel 7626 and frame 945 and reel 8541 and frame 478.

The undersigned representative has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the Untied States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


DATE

Kevin E. Noonan
Reg. No. 35,303

Attorney of Record

Title

for

OREGON HEALTH and SCIENCES UNIVERSITY

3181 S.W. Sam Jackson Park Road
Portland, Oregon 97201

Address